

Exhibit 12
to Declaration of Rachel Doughty



United States
Department of
Agriculture

Forest
Service

San Bernardino National Forest
Supervisor's Office

602 S Tippecanoe Ave
San Bernardino, CA 92408
909-382-2600
TDD: 1-800-735-2922

File Code: 2700

Date: September 29, 2023

David Feckley
Director of Natural Resources
Blue Triton Brands, Inc
1609 Boxwood Lane
Wylie, TX 75098

Dear Mr. Feckley,

The USDA Forest Service (FS) appreciates the patience Blue Triton Brands, Inc. (Blue Triton) has demonstrated during the State Water Boards hearing process over the last year. As you may be aware, the FS has closely observed the process conducted by the State Water Resource Control Board (SWRCB) regarding the draft 2021 Cease and Desist Order for unauthorized diversion or use of water.

Given the recent conclusion of the hearing process, the FS may now consider what activities, if any, can be permitted to Blue Triton on National Forest System Lands. Any permit issued for an authorized use on the Forest will require the permittee to *"comply with all present and future Federal laws and regulations and all present and future State, county, and municipal laws, regulations, and other legal requirements that apply to the permit area, to the extent they do not conflict with Federal law, regulation, or policy."*

In light of the State's ruling, Blue Triton is hereby required to provide to the FS and the authorized officer a comprehensive plan detailing how Blue Triton plans to comply with State law. This includes a plan for how Blue Triton will meet the requirements of the Cease and Desist Order, as well as plans for any proposed use of existing infrastructure, or any proposed decommissioning of existing infrastructure.


These plans are subject to section II.B of Blue Triton's previous authorization, FCD728503.

Plans shall be submitted within (2) weeks of the receipt of this letter and shall include a time frame for any proposed action to be in compliance with the state regulations.

Plans proposed by Blue Triton in order to comply with the SWRCB may be considered under 36 CFR 251.64 as modifications in response new requirements imposed by the State.

Please do not hesitate to reach out if you have any questions. District staff would be pleased to meet with you should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Hobbs". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "Hobbs".

[Line Officer]

DISTRICT RANGER